

Tucson-Pima County Bicycle Advisory Committee
Approved Minutes of the Wednesday, March 12, 2008 Regular Meeting
Himmel Park Library, 1035 N. Treat Avenue
Tucson, AZ

Prepared and Submitted by
Secretary Richard Corbett,
Tucson Ward 5 Representative

1. Call to Order, Introductions and Approval of February Meeting Minutes

A quorum being present, Chair Diana Tolton called the meeting to order at 6:06 p.m. Members and guests present then introduced themselves; Member Merritt Howard introduced his pending replacement – Kevin McDonald (see attendance list at end of this document).

Vice-Chair Brian Beck moved that the draft February BAC minutes be approved, and Member Donna Aversa seconded.

There was one minor correction to the minutes, which was noted by Secretary Richard Corbett.

The motion to approve the corrected draft February BAC minutes was then voted on and passed unanimously.

2. Call to Public

Parliamentarian Steve Bresler explained that due to the probable large number of speakers that statements would be limited to two minutes, and he also noted that BAC Members may not respond to questions raised by members of the public.

Kurt Garbe stated that he is a teacher at Tucson High School and he asks the weekly Shootout ride be given legitimacy the same as other community activities. He stated that the two or three complaints do not relay represent any significant community opposition to the long-standing, nationally known ride.

Gord Fraser stated that he is a former professional cyclist and has ridden in the Shootout for 18 years, and that is known all over the world. He stated that the traffic stop on Duval Mine Road by a Sheriff's Deputy on March 8th, was done dangerously and without regard to safety of the riders, resulting in several crashing, with some injuries.

Member Jean Gorman asked if Fraser would be willing to be leader for the group? Fraser replied yes. She then stated that the BAC Enforcement Sub-committee is planning a meeting to mediate and help the Shootout be fully legitimate and recognized officially. She asked if Fraser would come to the meeting – he replied yes.

Enforcement Sub-committee Chair Eric Post gave a quick summary of the plans for the BAC Shootout meeting.

Wyatt Pericles stated that he owns an RV Park, and that many ‘snowbirds’ are ignorant of many Tucson traffic rules – (i.e., the lag left turn signals). He said that there are also many out of town cyclists on the Shootout ride as well.

Former member Bill Katzel stated that he has been a cycle advocate since 1990, and does not want to see a repeat of the 1996 ‘sting’ operation when 46 cyclists were stopped and cited on Spanish Trail. He urges communications be used instead of enforcement actions.

Gene Applegate asked how cyclists could get legitimacy for their complaints?

Ex-Officio Member Roy Schoonover mentioned he had met with the Sheriff, and asked if there was an engineering need for the Shootout route?

Chair Diana Tolton, mentioned that it is possible to be on the Facilities Subcommittee without being a BAC Member. She also stated that the issue of assaults on cyclists is on the BAC agenda, and that is is important for BAC to get specifics.

Alicia Heiserer stated she has Curtis Gunn’s e-mail, and went on to re-count the incident when the Sheriff’s Deputy on Duval Mine Road, where the crash of five to seven cyclists took place with at least one broken bike. She went on to say that the Deputy answered “Good”, when told that he had caused the crash. She urges new ideas for the Shootout and wants to see solutions come forth.

3. Discussion of the Shootout Ride

Chair Diane Tolton stated that the BAC supports cyclists since its inception in 1981. We want to be helpful.

Enforcement Sub-committee Chair Eric Post referred to the Enforcement Subcommittee, which met just prior to this meeting, and watched a video of the Shootout filmed by Deputy Ryan Roher. This video showed 1) male cyclists urinating in public; and 2) cyclists crossing the no-passing yellow line in rolling hills. Beck stated that he and the other BAC members who saw this were disappointed, but we want to find a way for the Shootout to continue, legally.

Enforcement Sub-committee Chair Eric Post stated that he does not believe a permit for the Shootout is required, as it does not have a mass start, and is not timed. motorcycle clubs ride together (sometimes in very large groups), as well as car clubs (i.e., the Mustang Club), and no one asks or demands of them that they get a permit to use the public roads, so why is anyone even suggesting this approach for the Shootout?

Chair Diana Tolton stated that the BAC will create a Task Force to address the Shootout concerns, both of the cyclists and the law enforcement. Secretary Richard Corbett moved to form a Task Force, and Parliamentarian Steve Bresler seconded the motion.

Discussion ensued. The purpose of having a Task Force is to emphasize its transient nature. Why create a temporary sub-committee?

The prior motion (to establish a Task Force) was withdrawn.

Secretary Richard Corbett then moved to form a special Shootout Sub-committee, and member John Fleming seconded the motion.

Member Wayne Cullop asked why not just use the enforcement Sub-committee?

Enforcement Sub-committee Chair Eric Post asked why not just call it a 'Work Group' (he stated that he has no concerns about a special group being created to deal with this issue).

Facilities Sub-committee Chair Bill Adamson stated that whichever sub-committee handles the issue will serve the Shootout issue well. The Shootout is an asset to the community, and it is unfortunate that the news reports gave ammunition for folks to 'hate' cyclists. He suggests that we should strive to make the shootout a more positive 'event' and get kids watching it as it goes by.

Enforcement Sub-committee Chair Eric Post stated that the action(s) Bill suggests will hopefully get motorists to view cyclists in a positive way.

Member Donna Aversa stated that she feels there is a reluctance to start a new group.

Chair Diana Tolton expressed concern about mixing other issues with the Shootout issue.

A vote was taken on the motion to form a special Shootout Sub-committee, and it failed.

Secretary Richard Corbett moved that the Enforcement Sub-committee hold one or more meetings to address the Shootout, with Shootout members participating, within 30 days, and Vice-Chair Brian Beck seconded the motion.

Discussion ensued. Ex-Officio Member Roy Schoonover urged a special group. Member Wayne Cullop noted that even if it were a special group, it would still be subject to BAC rules and procedures.

Citizen Gene Applegate urged the BAC to approve a committee.

A vote was taken and the motion passed unanimously.

Discussion ensued as to how to best publicize the special meeting of the Enforcement Sub-committee. Perhaps post it on the BAC website?

Further discussion took place as to when to hold the special meeting, with the consensus being to hold it at **5:00 pm (to as late as 8:00 pm) on Tuesday, April 8, 2008**. A location that will accommodate a good turn out will be identified and announced (Note: The special meeting will be at the **Ward 6 Council Office, 3302 E. 1st Street**, in the East meeting room from 5:00 to 7:00 pm, and if more time is needed, the next hour [7:00 to 8:00 pm] will be in the West meeting room).

Vice-Chair Brian Beck asked how the complaint about the Deputy who stopped the Shootout group be handled? Deputy Ryan Roher stated that internal affairs is handling it.

4. Law Enforcement Reports

Enforcement Sub-committee Chair Eric Post asked if the BAC wanted to see the video that was shown (partially) at the Enforcement Sub-committee meeting? The general feeling was to rely on the Enforcement Sub-committee report.

Lt. Karl Woodridge of the Sheriff's Office stated that the Sheriff's Office is 'in the middle' - a bad position to be in. He noted that he has been coming to BAC meetings for several years, and wants to 'bridge' with the cycling community. He stated that the video does show that complaints about the Shootout conduct are legitimate. Cyclists are at risk when they cross the double yellow line – they are breaking the law and community values when they urinate publicly. Some residents are asking why the Sheriff's Office is not enforcing the laws? Hw went on to say that many times cyclists do obey the laws, and then sometimes they don't . . .

Chair Diana Tolton stated that positive approaches work best, i.e., Fantasy Island and RTA project decisions.

Member Jean Gorman stated that she has been on the BAC eight years in August, and there is no place in the Country that does as well as us, but we have to keep working on our communications and conduct.

Enforcement Sub-committee Chair Eric Post stated that the Himmel Library meeting room is not available on April 8th. Maybe Ward 6 is available? Alicia Heiserer will post on her website, and Tucson Coordinator Tom Thivener will post it on the BikeTucson.gov website.

Chair Diana Tolton declared a five-minute recess at 7:15 pm.

5. Arrington Case Recap (was No. 6 on agenda)

Jonathon Mosher, a Deputy County Attorney (and an avid cyclist) reported on the Paul L'Ecuyer fatality in 2006, where L'Ecuyer was riding on Spanish Trail and was struck and killed by drunken diver Melissa Arrington.

Arrington was convicted of negligent homicide and two counts of aggravated DUI, and sentenced to 10 1/2 years — one year shy of the maximum.

The key to her conviction was a telephone conversation, a week after L'Ecuyer was killed, which the Judge in the case, Michael Cruikshank, described to be "breathtaking in its inhumanity."

During the conversation, a man called Arrington in jail, and told her that an acquaintance believed she should get a medal and a parade because she had "taken out" a "tree hugger, a bicyclist, a Frenchman and a gay guy all in one shot."

Arrington's response was to laugh. When the man said he knew it was a terrible thing to say, Arrington responded, "No, it's not."

6. Assault of Cyclists (was No. 5 on agenda)

Enforcement Sub-committee Chair Eric Post stated the two cyclists who were at the last meeting are not on tonight's agenda due to the Shootout issue.

Citizen Eric Ryberg said that their appearance at the last meeting was an attempt to show what he believes is a ‘pattern’.

Secretary Richard Corbett stated that he disagrees that these show a ‘pattern’, and are exceptions – not the rule.

Member Donna Aversa stated that she does want to encourage reports of abuse and assaults, even if they are exceptions. Chair Diana Tolton agreed, and wants to get assaults taken seriously.

Citizen Eric Ryberg says that when he asks for internal affairs investigations, the officers are exonerated.

Member Jean Gorman urges cyclists to file reports.

Enforcement Sub-committee Chair Eric Post stated that ‘lots of tickets are NOT issued in bike cases’. He asked if it is possible to educate prosecutors. He wants to put on the Enforcement Sub-committee agenda.

7. Adoption of Updated Bylaws

Vice Chair Brian Beck moved to approve the revised By-Laws as presented, Secretary Richard Corbett seconded the motion, and it was passed unanimously.

8. Shared Lane Markings Presentation

Tucson Bike Coordinator Tom Thivener presented a report on the Stone Avenue, and Sixth Avenue designs, to include shared lane markings, instead of the previously planned door-zone bike lanes.

The shared lane markings will be nine feet tall, and three feet wide, placed 11’ from the curb (which is approximately 18 inches farther than the door-zone bike lanes would have been placed).

Ex-Officio Member Roy Schoonover mentioned that San Francisco did a study that documented their effectiveness

Secretary Richard Corbett moved that the BAC support the placement of the shared lane markings on Stone and Sixth avenues, Vice-Chair Brian Beck seconded, and the **motion was passed unanimously.**

9. Establish BAC Nominating Committee

Member Donna Aversa moved to establish the Nominating Committee, with Martha Lemen as Chair, and Zach MacDonald and Jean Gorman as members, Secretary Richard Corbett seconded the motion, and it was passed unanimously.

10. Sub-Committee Reports

No Subcommittee reports were given due to time constraints.

11. Action Item Review

No review was undertaken due to time constraints.

12. Staff Reports

PAG Staff Gabe Thum handed out three copies of the Platinum Application that was filed with League of American Bicyclists. He acknowledged the work of the Platinum Task Force, which included:

- Task Force Chair Richard Corbett
- Education Chair Donna Lewandowski
- Engineering Chair Kathryn Skinner, PE
- Enforcement Chair Sgt Paul Tosca
- Encouragement Chair Tom Thivener
- Evaluation & Planning Chair Gabe Thum

13. Announcements

No announcements were made due to time constraints.

14. Adjournment

Secretary Richard Corbett moved to adjourn the meeting, Enforcement Subcommittee Chair Eric Post seconded, and the motion was passed unanimously. The meeting was adjourned at 8:05 p.m.

~~~ ATTENDANCE ~~~

Members

Bill Adamson, Pima County
Donna Aversa, Oro Valley
Brian Beck, Ward 2 (Vice-Chair)
Karen Berchtold, Pima County
Dave Boston, Ward 6
Steve Bresler, Ward 1 (Parliamentarian)
Richard Corbett, Ward 5 (Secretary)
Wayne Cullop, Ward 4
John Fleming, Ward 3
Charles Franz, University of Arizona
Jean Gorman, Mayor's Representative
Merritt Howard, Sahuarita
Norm Land, Pima County
Martha Lemen, Pima County
Zach MacDonald, Pima County
Eric Post, Pima County
Diana Tolton, Pima County (Chair)

Staff

Nancy Ellis, Oro Valley
Lt Mike Pryor, Tucson Police
Dep. Ryan Roher, Sheriff's Office
Chris Scheopner, U of A Police
Tom Thivener, TDOT
Gabe Thum, PAG

Members of the Public

Gene Applegate, Citizen
David Armet, Citizen
Carolyn Audilet, Citizen
Scott Audilet, Citizen
Chloe Black, Citizen
Bill Carnell, Citizen
Don Domkowski, Citizen
Josh Eakins, Citizen

Members of the Public, page 2

D.W. Eysenbach, Citizen
Nippy Feldhake, Citizen
Chloe Forsman, Citizen
Gord Fraser, Citizen
Stephanie Feurer, Citizen
Matthias Feures, Citizen
Heather Gaw, Citizen
Kuer Grabe, Citizen
Craig Grau, Citizen
Kris Hanning, Citizen
Alicia Heiserer, Citizen
Emilaino Jordan, Citizen
Bill Katzel, Citizen
Travis Langdon, Citizen
Don Melhado, Citizen
Peter Michaud, Citizen
KC Minelli, Citizen
Peter Molk, Citizen
Rory Mouserat, Citizen
Rene Ortega, Citizen
Jim Ostrem, Citizen
Troy Peterson, Citizen
Barry Richards, Citizen
Art Roper, Citizen
Eric Ryberg, Citizen
David Savoy, Citizen
Adrian Schumacher, Citizen
Andrew Scott, Citizen
Patrick Smallwood, Citizen
David Swanson, Citizen
Tara Trumbull, Citizen
Aimee Vasse, Citizen
Rick Volk, Citizen
Todd Wells, Citizen
Colleen Whealdon, Citizen
Warwick White, Citizen
Pericles Wyatt, Citizen